

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY
LITIGATION (NO. VI)

Civil Action No. MDL 875

In re: Ahnert v. CBS Corporation, et al.,

PA-ED Case No. 10-67443

Trans. from WI-ED Case No. 10-156

PLAINTIFF'S MOTION TO AMEND COMPLAINT

Plaintiff Beverly Ahnert moves to amend the complaint to allege claims for survival of the claim of Daniel Ahnert's estate and wrongful death. This amendment is proper for the reasons below:

HISTORY

1. The complaint in this case was filed on February 25, 2010, and alleges Daniel Ahnert was diagnosed with "asbestosis." (Ex 1 at ¶27.)
2. At the time the complaint was filed, Daniel Ahnert was still alive.
3. Daniel Ahnert died on July 7, 2011. Beverly Ahnert was duly appointed as the executrix of the estate of Daniel Ahnert on September 19, 2011 (Ex 2.)
4. The death certificate of Daniel Ahnert lists "asbestosis" as one cause of death. (Ex 3.)
5. Wisconsin has a three-year statute of limitations period for wrongful death personal injury actions Wis. Stat. § 893.54(2). The case is within the statutory period for amending to allege wrongful death. Plaintiff died on July 7, 2011. (*Id.*) Plaintiff may, therefore, still amend the pleading before July 7, 2014.

6. Plaintiff moves this court for leave to file *instanter* an amended complaint attached as exhibit 4.

RELIEF REQUESTED

Plaintiff should be granted leave to amend the complaint to allege the claims of survival and wrongful death.

Dated: May 2, 2014

S/ Robert G. McCoy
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